

COMMISSIONERS PROCEEDINGS
OCTOBER 5, 2004
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PROCLAMATION

Commissioner Stanton read a proclamation declaring the month of October 2004 as National Disability Employment Awareness Month in Clark County. Mary Strehlow, Department of Community Services, accepted the proclamation. Deena Summerhill, Chair, Developmental Disabilities Board, briefly commented and thanked the board for their support.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Scott Horenstein commented on Metropolitan Park District and encouraged the Board to approve the item as indicated on the consent agenda.

Florence Wager expressed the importance of ball fields for the health of the young people of Clark County.

Commissioner Pridemore said that by today's action, they were giving citizens the decision to provide maintenance money. He said he felt that was the board's appropriate role.

CONSENT AGENDA

There being no public comment, **MOVED** by Stanton to approve items 1 through 9. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 158)

PUBLIC HEARING: FRANCHISE, VOICESTREAM

Held a public hearing to consider a resolution approving a franchise agreement with VoiceStream PCS 1 LLC for operation of a wireless telecommunications system within the county right-of-way.

Chris Horne, Prosecuting Attorney's Office, provided a brief background. He stated that the resolution resulted from VoiceStream's application for access to county right-of-way and presented itself as an opportunity to make arrangements for a number of issues that always exist when utilities have their infrastructure in county right-of-way. He explained that the county negotiated a 15-year franchise with VoiceStream. He said that the franchise is designed to insure that: 1) our franchise holders equally share an obligation with each other to coordinate

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their work on the right-of-way so that there's enough room for everybody's infrastructure and the county can meet their obligations to the public; 2) that their work is done in a timely manner; 3) that utilities be responsible and indemnify and hold harmless the county for all their infrastructure; and 4) that the county is given the opportunity and ability to reimburse or be reimbursed for costs related to monitoring, administrating, inspecting, and coordinating with utilities.

Pridemore said he was satisfied with the agreement and glad that a process was being started so that there will be documentation and clarification. He asked if they could create some means by which the county could recoup more than just costs when the utility goes in.

Horne responded that legislature hasn't allowed the authority to collect fees above and beyond cost and that the question comes down to what case law and implied authority the county has. *Horne* described a few court case examples.

MOVED by Pridemore to approve Resolution 2004-10-01. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 158)

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/
Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore/s/
Craig A. Pridemore, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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